

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDREW D. JONES,

Defendant and Appellant.

C080819

(Super. Ct. No. 15F04201)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required by *Wende*, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

BACKGROUND

On July 10, 2015, a law enforcement officer observed defendant Andrew D. Jones and two women acting suspiciously near a parked Ford Edge SUV that was missing its

rear license plate. The officer approached them and asked whose vehicle it was. No one answered. Defendant tried to walk away so the officer asked him to sit on the curb, which he did. The officer then asked who had keys to the vehicle. The women said they did not and defendant did not answer. The officer then asked defendant to stand up. Defendant did and the officer saw a Ford key on the sidewalk near where defendant was sitting. That key was not there before defendant sat down. The officer detained defendant.

Through a records check, the officer learned the vehicle was stolen. Law enforcement contacted the owner of the vehicle and she described how her car key was stolen when she set it on the counter in a Starbucks. Then, when she went outside, her car was gone.

The People subsequently charged defendant with vehicle theft and buying or receiving a stolen vehicle. The People further alleged defendant was previously convicted of a strike offense and numerous other felonies for which he served prison terms. Defendant filed a motion to suppress evidence pursuant to Penal Code section 1538.5. The trial court denied his motion.

Defendant then pleaded no contest to vehicle theft. He also admitted his prior strike conviction and having served a prior term in prison. The People agreed defendant would serve an aggregate term of seven years in state prison. The trial court sentenced defendant in accordance with his plea agreement, imposed only the mandatory fines and fees, and awarded him a total of 268 days of custody credit. The remaining charge and allegations were dismissed on the People's motion.

Defendant filed a timely notice of appeal without a certificate of probable cause.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and

determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. To date, defendant has not filed a supplemental brief. Having undertaken an examination of the entire record pursuant to *Wende*, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____HULL_____, Acting P. J.

We concur:

_____BUTZ_____, J.

_____MAURO_____, J.